Supreme Court, U.S.
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No.

IN THE

Supreme Court of the United States

_____ Term, 2005

PHILLIP A. JONES SR.,

Petitioner,

v.

FULTON COUNTY GOVERNMENT,
GEORGIA GENERAL ASSEMBLY
Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. May Fulton County Government's failure to obey The Civil Service Act of 1883; as amended, Title VII of the Civil Rights Act of 1964 and Age Discrimination Act of 1967; show defiance to The Employment Dispute Resolution Programs and; when The State of Georgia passed Legislature (OCGA 45-20-1 et. al.) it failed to establish a local level (Civil Service Commission Board); is not the State of Georgia obliged to uphold the board's mandate and not the Court and, did the Federal Courts acceptance violate the President's mandate for a Civil Service Commission Board?

LIST OF PARTIES
AND CORPORATE DISCLOSURE STATEMENT

All of the parties to the proceedings are named in the caption except the below.

1. Fulton County Department of Environment And Community Development.

2. Fulton County Office of County Manager

3. Fulton County Personnel Department

4. Fulton County Board of Commissioners

5. Fulton County District Attorney

6. Governor of Georgia

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Petitioner, Phillip A. Jones Sr., respectfully prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals Eleventh Circuit denying in a conflict with the decision of another United States court of appeals on the same important matter and this court decisions; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, vacating an Order of The United States District Court Northern of Georgia Atlanta Division which granted summary judgment to Fulton County Government and denial of Jones' motion of protection within the laws governing the United States of America for injunctive relief under Title VII of the Civil Rights Act of 1964, Age Discrimination Act of 1967 and the Civil Service Act of 1883; as amended, within the Civil Service Act of 1943.

OPINIONS BELOW

The Circuit Court Opinion reported (12-14-04) is reprinted. U.S. District Court Northern District of Georgia Atlanta Division Order, reported (5-27-04), is reprinted. The Judgment of the U.S. District Court Northern of Georgia Atlanta Division (3-27-04), is reprinted. The U.S. Magistrate Order for Service And Recommendation (3-31-04), is reprinted. And, The Municipal Court of Alpharetta Criminal Arrest Warrant(8-8-03), reprinted, assualt by Fulton County Government.

STATEMENT OF JURISDICTION

The judgment of the Eleventh Circuit was initially entered on December 14, 2004. A timely petition for rehearing was denied on February 4, 2005. This Court has jurisdiction under 28 U.S.C § 2101(e) and 28 U.SC. § 1254 (1), (2).

STATUTORY PROVISIONS INVOLVED

This petition involves the following Constitutional and Statutory provisions:

1) Title VII of the Civil Rights Act of 1964
2) Age Discrimination Act of 1967
3) Civil Service Act of 1883; as amended
4) National Labor Relations Act, 49 as amended by 11 stat, 136 and 73 Stat 519, 29 U.S.C. § 141 et seq. (Wagner Act),
5) The State of Georgia General Assembly Legislature (OCGA - 45 -20 -01 et. seq.) to conflict within the Congress Accountability Act; as amended, to local governments' rights and remedies for employees applying 11 federal employment and work place laws, and establishing dispute resolution procedures and remedies to address potential violations of these laws; is set forth as Appendix D.

STATEMENT OF CASE

Jones was hired by Fulton County Government Merit System as a Civil Service Employee on July 21, 1986. The State of Georgia

unlawfully deregulated Federal Statute to uphold the Civil Service Act of 1883; as amended, in 1988 given local governments self governing authority as long as they provided an internal dispute resolution program. The State of Georgia has left dispute resolution programs within the local government self governing authority given appeal authority only to the Courts. This is a reenactment of the Spoils System and Georgia conflicts with the Civil Service Act of 1883; as amended. ***"An act to regulate and improve the civil service of the United States. The National Civil Service reform league, established in 1881, shortly before led the subsequent fight for congressional action. In 1883 congress passed and signed the Civil Service Act, sometimes referred to as the Pendleton Act created the foundations of the American Civil Service System".*** **The Civil Service Act states that,** ***"A Commission's Board within States on behalf of the President shall enforce and provide an annual report to the President for transmission to Congress".***

I. THE DISPUTE ADMINISTRATED

On July 21, 2003, Phillip A. Jones Sr., now (Jones), filed a timely discrimination civil action within the United States District Court Northern District of Georgia Atlanta Division. Following Jones documents of dispute resolution showing that, a second level of administrative enforcement is authorized and mandated by the State of Georgia. The State of Georgia do not have a civil service commission board to hear reviews and to

investigate violations of civil service employees. The State of Georgia ratification of the Georgia General Assembly Legislature (OCGA - 45 -20 - 01 et. seq.) given review of a local merit system to Courts is in violations of the Civil Service Act of 1883; as amended. Stating from this act, *"The commission board is authorized to make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners; hereinafter, provided for its own subordinates and those in the public service in respect to the execution of this act."* The acceptance by the Federal Court within the jurisdiction of the State of Georgia by hearing these cases and by passing civil service protocol are prohibited by the Civil Service Commission.

A. State Statutory Violations

The State of Georgia since post civil war of the United States of America has been slow in equal rights for minorities. A conspiracy was reported to the United States Attorney Office in April 2004; showing, The United States Court Northern District of Georgia Atlanta Division, The United States Appeals Court Eleventh Circuit, and Fulton County Government, all governmental jurisdictions under the civil service act now showing no review or investigation. The Circuit Court has shown,*"With the decision of another United States Court of appeals on the same important matter; has decided an important*

federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings; or sanctioned such a departure by a lower court as to call for an exercise of this Court's supervisory power".

B. Civil Service Violations

The essence of Jones case shows that Fulton County Government since approval of its self governing authority has departed from establishing a fair dispute resolution program. The ratification of the State of Georgia Legislature (OCGA 45 - 20 - 1 et. seq.) open the door for local governments in Georgia to create a self governing protection at the expense of a fair administrative resolve for its civil service employees. The deterioration of a fair civil service policy shown by deleting the role of a state mandate of a civil service commission board.It prevented a second level to ensure enforcement and review of the civil service programs within the State of Georgia to enforce rules and regulations violations by local governments in Georgia. These local governments through political appointees to Federal Courts; further, the courts moved the scale of justice unfairly by the appointment of Honorable Julie E. Carnes and Honorable Susan Black as Federal Judges. These Judges have upheld open disregard of the United States Laws within these racially motivated decisions in conflict of the Civil Service Act of 1883, as amended, Title VII of the Civil Rights Act of 1964 and Age Discrimination Act of 1967. These named Judges have shown a

greater percentage only given favorable decisions for white females and against minorities especially, (Black Males). These violations against the laws governing the United States are rushed through the Courts without an investigation or review of the self governing dispute resolution programs. Jones has been harassed and retaliated by the State of Georgia allowing such course of action and given merit by the District Court and Appeals Court of Georgia shows protocol neglect to administrate a fair civil service program and enforcement agency as outlined within the Civil Service Act of 1883, as amended. The lack of enforcement exposed Jones to retaliation, harassment, racial discrimination and criminal assaults through Fulton County Government's dispute programs. The County Manager has shown open disregard to policies and procedures manipulated by Karen Handel, Chair Person Board of Commissioners in the policies administration given white employees of Fulton County Government an advantage. This act shown as racialism and upheld within the above named Federal Judges. The Fulton County Sheriff Department is currently under review within action taken by Commissioner Handel and Thomas Andrews.

C. The Personnel Violations

The deterioration of the Civil Service Act of 1883 by Fulton County Government created a record number of civil service employees including Jones filing EEOC and civil actions for protection under the United States Laws governing

discrimination of minorities. In 1995, Fulton County Government contracted with Arizona Consulting Firm of Fox Lawson And Associates to conduct a county-wide pay and classification study of the county's workforce. The Fox Lawson Study erroneously without review used a controversial approach called the "Decision Band Method" to evaluate and determine the appropriate pay and job classification for each employee. The "Decision Band Method" was use by management to demote without cause civil service employees and to create positions that were not cover under the civil service act. The management tool used to analyze the essential duties and responsibilities of employees were based on a Position Description Questionnaire (PDQ). Jones' (PDQ) of appeal was not submitted through fraudulently means showing management of Fulton County Government intentionally denied Jones a fair and unbiased review that was given to over 6,000 Fulton County employees. Jones duties and responsibilities were distributed to create other positions within Fulton County Government senior staff for white employees at the expense of Jones that, Jones was given a lower position as a result of not being evaluated by Fulton County Government Personnel Department Fox Lawson Study. The evaluation process of Jones show that race, gender, and national origin was not neutral in the Fox Lawson Study. Fox Lawson Study did consider race, gender, and national origin as an evaluation criteria. As a result of the independent study administrated by Fulton County Personnel Department showing, it was not an independent

study conducted by Fulton County Merit System evaluated Jones position as Assistant Director of Department of Inspections & Permits and Countywide Administrator of policies and procedures for environmental programs and designs were reclassified to a much lower classification to a Code Enforcement Coordinator, with a C-42 decision band. After, numerous complaints of the fraudulent review of Fulton County Government, Jones was finally given a review of his duties in 1997. The 1997 Fox Lawson Study review show that Jones no longer in duties that reflected the responsibilities of an Assistant Director and County wide Administrator (Associate County Manager). The new review shows Jones was a Code Enforcement Coordinator, with C-42 decision band appropriately to be reclassified to an Administrative Coordinator II, with a C-42 decision band. The 1997 Fox Lawson Study would not correct their original error and further adversely affected Jones by not providing Jones duties and responsibilities in 1995 as an Associate County Manager with a E-92 or greater decision band. The personnel records reflect admistrative violations of Fulton County Government shows Jones duties and responsibilities merited higher pay for Jones and up grade in position. Fulton County Personnel Department administratively sanctioned these violations by Fox Lawson Study assigned Jones duties and responsibilities to all white employees that merited a raise for Steven R. Cover, Director of the Department of Environment & Community Development, Terry Todd, Deputy County Manager and Thomas Andrews, County

Manager of Fulton County Government, showing, Jones duties and responsibilities were given to white employees. Jones did not benefit from an appeal procedure by the self governing authority that was consequently upheld by the Circuit Court.

II. THE EEOC PROCEEDINGS

Following the misrepresentation in conspirators of the Fox Lawson Study; Jones filed, an EEOC Charge of discrimination on October 27, 2000; for cause based on race and retaliation. Jones believed Fulton County discriminated against him based on his race (black), gender (male) and retaliated against him in violations of Title VII of the Civil Rights Act of 1964; as amended by given all white employees Jones's duties. In 2000, the open disregard of laws for Jones protection under the civil service act; showed, administrative protocol violations by Fulton County Government were now being administered through new Legislature (OCGA 45-20-1 et. seq.). Fulton County Government self governing administration of its dispute resolutions programs now shows no review or investigation by a second level as authorized by the Civil Service Commission Board for the State of Georgia in conflict of the Civil Service Act of 1883; as amended.

A. Civil Service Violations Led To An Assault

As a result of the 1995 Fox Lawson Study, Jones has worked and he is currently working as an Administrative Coordinator II, with a decision band

of C-42. He has been forced to train employees given his former duties and responsibilities. The assigned decision band showed to be a demotion without cause. Fulton County Government Merit System as the records showed do not comply with the Civil Service Act of 1883; as amended. Fulton County Government has a record number of EEOC filing by civil service employees that complaints of the Fulton County Government Dispute Resolution Program are openly retaliating and harassing its employees through Thomas Andrews, County Manager Fulton County Government, Karen Handel, Chairperson Fulton County Board of Commissioners, Honorable Julie E. Carnes and Honorable Susan Black. Minorities in the State of Georgia like Jones has been exposed to separate and not equal laws within the United States preventing his rights for due process.

B. Criminal Acts Report to District Attorney

Fulton County Government now operating criminally and unlawfully without a second level of review by the State of Georgia have exposed Jones to retaliation, harassment, age and sexual discrimination. Jones filed an EEOC charge of discrimination on December 19, 2002. The particulars are; he was denied a promotion. Jones had to reapply for his own duties and responsibilities. During Jones interview, he was told he was too old and outdated by Steven Cover, now in Jones duties and responsibilities. Jones was attacked on December 9, 2002 by his former employees and a cover up was documents by Fulton

County Government County Manager within the self governing authority. It has prevented a review from a civil service commission board by the State of Georgia led to a timely filingwithin the Court.

III. THE COURT PROCEEDINGS

Jones civil claims showed that race was used to administrate policy within Fulton County Government. Racialism was being performed now by the same white senior employees that benefited from the 1995 Fox Lawson Study showing Bob Brandes, Personnel Director as the link between a fraudulent Fox Lawson Study review conducted by Joseph Warfel in a conspiracy to create undue influence within the employment of Jones. These acts continues currently in 2005 showing that Steven Cover now in Jones duties and responsibilities; as well as, Terry Todd, Deputy County Manager are administrating under Jones role within Fulton County Government.

A. The Court's Refusal to Accept Evidence

At the conclusion of the evidence, appellant Jones motioned pursuant to Rule 9 of the United States Supreme Court Procedural for a judgment of acquittal because the Government within the State of Georgia and Fulton County Government failed to establish a civil service program in line with the Civil Service Act of 1883; as amended, for considerations governing review on Certiorari. Jones argue that the evidence revealed that the Courts decisions conflicts with the 14 Amendments

of the United States Constitution for due process with decisions of appeals on the same important matter and the Eleventh Circuit conflicts with its own rulings as a State Court of last resort. Jones argue that a conspiracy exists within government to deny Jones and other black people and other minorities; their United States Constitutional Rights within a Civil Service Act of 1883 and Title VII of the Civil Rights Act of 1964. The underlining motive of the Georgia General Assembly and Fulton County Government through political appointments by lobbying for District Judges like Honorable Julie E. Carnes and Honorable Susan Black to uphold post Civil War segregation laws ensuring that black and other minorities (Jones) are not given equal protection under United States Laws. The records shows that the District Court and Appeal Court Judges of Georgia appointments are not equal to race requirements in the civil service act third mandate within the "States, Territories and District of Columbia upon the basis of population as ascertained at the last proceeding census". The Eleventh Circuit of Georgia Atlanta Division has not given favorable Judgments to minorities upholding separate and not equal as the essence of the utilization of laws shown to openly violate Jones United States Constitution Rights within the 14th Amendments for due process as a citizen in good standing of the United States.

B. District Court Protocol Violations

The United States District Court Northern District of Georgia in Civil Action: 1:03-CV-2036-JEC violated a Supreme Court ruling in accepting the role of the Civil Service Commission; unlawfully, did violate the fourth step of the Civil Service Act of 1883; as amended. The particulars are, "Said commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners; hereinafter, provided for, and its own subordinates, and those in the public service, in respect to the execution of this act." District Judge Julie E. Carnes and Magistrate Judge Alan J. Baverman admitted their court was not equip to investigate the violations within Fulton County Government Merit System thus, showing the information presented to the District Court was not reviewed nor investigated. The only ruling made by the District Courts was that Jones submitted many motions. The District Court failed to disqualify itself as a Civil Service Commission that did not uphold Jones rights to appeal to a board as a civil service employee. The District Court role as a second level of review for civil service employees is not an enforcement arm of the protocol of the president mandate of the State of Georgia to follow these guidelines not enforced or irresponsibility reviewed by Judge Carnes. Jones submitted many motions to aid the District Court in the

interpretation of the Civil Service Act of 1883; as amended, through a second level of review thus making due process of the law a conflict within the jurisdiction of Judge Carnes as an appointed political federal judge lobbying for the State of Georgia unlawfully in her role as a federal judge.

C. Magistrate Judge Administrative Violations

The United States District Court Northern District of Georgia Atlanta Division was provided Jones Initial Disclosures on August 7, 2003. Attached to this document were a letter of response from Governor Sonny Perdue dated May 19, 2003, recognizing civil service violations within Fulton County Government. On July 18, 2003, a Notice of Referral to Magistrate Judge for Title VII Discrimination Action was issued to this case. A timely motions for Temporary Relief was issued by Plaintiff on July 21, 2003. The District Court failed to investigate the harassment and retaliation of Fulton County Government on Jones behalf for filing a Civil Action of Discrimination. The District Court failed to be a reviewer of the Civil Service Act of 1883; as amended, by not investigating incidents after incidents and in doing so, the Court has been shown not to be administering a commission board of review at the State level allowed for Jones as a Civil Service employee. A timely filing of a "Motion to Provide Evidence and Show Racial Discrimination" was given to the District Court on October 14, 2003 with attachments. Judge Julie E. Carnes and Judge Alan J. Baverman Court responses were not in line

with administrative protocol of the United States Civil Service Act of 1883; as amended. Jones provided to the District Court on September 29, 2003, Order to be signed by the District Judge For Injunctive Relief "Order To Initiate Investigation / Review of Fulton County Government Personnel Regulations". The District Court failed to respond in protocol of the United States on behalf of the President as a Civil Service Commission Board. The documents presented to the Court for personnel violations within policies and procedures were at a level of professionalism from Jones who is an official that requested the United States to review in detail that was not upheld by the District Judge Alan J. Baverman in a timely submittal of the Alpharetta Court order dated August 8, 2003, showing Fulton County Government officials assaulted Jones. On September 30, 2003 filed in Chambers United States Magistrate Judge N.D. Georgia denied Jones motions thus accepting the unlawful review to uphold the State of Georgia General Assembly Legislature (OCGA 45-20-1 et. seq.)

D. District Court Review Shows Acceptance to Use Race in Administration of Policy

Judge Alan J. Baverman a white male and Judge Julie E. Carnes, a white female within these proceedings willfully showed protection of the State of Georgia in post Civil War Laws in separate and not equal for minorities (Jones) laws providing to minorities within the United States. The District Court being a irresponsible

administration of the United States Laws should have allowed review of the Civil Service Act of 1883; as amended, within a proper jurisdiction in the executive brand of the United States. The District Court was presented on September 22, 2003, "Motion To Hold Settlement Conference Before U.S. Magistrate. & Motion to Locate Room". This motion was filed to aid the District Court in its role as a Civil Service Commission Board. The Court was asked within Jones filing dated September 29, 2003, "Motion To Direct Fulton County District Attorney To Create A Special Grand Jury and To Investigate Criminal Intent within The Administration And Management of Fulton County". The District Court now being shown to be an irresponsible administrator of the Civil Service Act denied an investgation by the District Attorney of Fulton County that speaks for the People of Fulton County. On September 8, 2003, The Civil Rights Division, Employment Litigation Section, Karen L. Ferguson Civil Rights Analyst Employment Litigation Section" reaffirm that Jones have a right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. (2000 -2000e), et. al. against Fulton County Government Department of Environment et. al., No: 110200300901.

E. Judge Julie E. Carnes A Conflicts for Fulton County Review

As the records shows, Jones was being harassed and retaliated against by Fulton County Government and the District Judge Julie E. Carnes

a political appointee. Judge Carnes has family connection to Fulton County Government with her father name used for the Fulton County Judicial Center and State Court Building are visible conflicts for Judge Carnes. Judge Carnes association with Fulton County Attorney Office; as well as, associated laws of the United States shall show Judge Julie E. Carnes as a federal Judge is in question with the supervisory role of the United States Supreme Court; noting her irresponsible administration of our laws within the State of Georgia governing the United States Constitution of America. A timely filing was presented to the District Court on July 18, 2003. Jones submitted on February 17, 2004, The "Plaintiff (Phillip A. Jones Sr.)'s Answer "Brief In Support of It's Motion For Summary Judgment". On January 28, 2004, an Order of Service Report and Recommendation was issued to Jones by U.S. Magistrate Judge Alan J. Baverman. Jones filed on February 2, 2004 his timely "Objection To United States Magistrate Judge's Non - Final Report And Recommendation". On February 17, 2004, Jones filed , "Plaintiff (Phillip A. Jones Sr.)'s Answer To Defendant's Statement of Material Facts To Which There Is A Cause For Doubt And Plaintiff Should Be Given A Favorable Judgment Based on His Claims". On March 31, 2004, Judge Alan J. Baverman issued an "Order For Service of Report And Recommendation ". The Plaintiff Jones, filed on April 8, 2004,"Plaintiff's Objections To United States Magistrate Judge's Final Report And Recommendation of (Defendant Fulton County Government's Summary Judgment)". On May 27,

2004, Judge Julie E. Carnes, United States District Judge , for consideration of Magistrate Judge Report and Recommendation Ordered and adjudged that the Plaintiff take nothing and dismissed Jones civil action. In conjunction, with Judge Carnes Order, Fulton County Government issued a warning letter to Jones without cause starting back open harassment and retaliation that is shielded by the federal courts in a conspiracy to use race as an administrating tool to disqualify Jones as a civil service employee. It shows prevention of Jones' rights under the 14th Amendments for due process within Title VII of the Civil Rights Act of 1964.

IV. CIRCUIT COURT CONFLICT WITH DECISIONS

Jones filed his timely appeal within the United States Court of Appeal Eleventh Circuit on June 23, 2004. The Eleventh Circuit received Jones Initial Brief of Appellant "Phillip A. Jones Sr. on July 23, 2004. A timely submittal of the Brief for the Appellant Response Phillip A. Jones Sr. was filed on September 2, 2004. In conjunction, a grievance was filed within Fulton County Government on May 13, 2004; two grievances for retaliation and harassment by the Department of Environment And Community Development. The grievance review committee under Fulton County Policy 100-24 shows numerous conflicts within the dispute resolutions programs that showed internal conspiracy within Fulton County Government to deny Jones his rights as a civil service employees. Fulton County Commissioner Chairperson Karen

Handel refused to respond responsibly within her role in the grievance process in a letter requesting due process dated August 6, 2004. Joseph Warfel of the Department of Environment And Community Development showed workplace violence towards Jones as an attempt to retaliate and harass Jones doing these proceeding. The Department of Environment & Community Development harassed Jones through policy on September 15, 2004 with a submittal to Jones for a Fitness for Duty Evaluation with out cause not providing the reason for such an evaluation. Fulton County as of March 21, 2005 has not evaluate Jones in untimely rescheduling of set evaluation in an attempt to harass Jones. A timely "Motion For Relief From Appellee (Fulton County Government)'s Director Steven R. Cover letter dated September 15, 2004, placed appellant on official leave and barred Jones from all County facilities without cause after mandatory appointment for Fitness for Duty Evaluation For Fulton County Mental Health Department" was filed in the Eleventh Circuit on September 16, 2004. The Eleventh Circuit failed to investigate as required by the Civil Service Act of 1883; as amended. The Eleventh Circuit now showing how inappropriate to have the judicial system to administrate the Civil Service Commission duties in line with the Executive Branch role within the United States Constitution and Jones by law of this land has without a doubt shown a conspiracy within the Federal Court System. The Eleventh Circuit Denied Jones Motion for Relief without an investigation or other review

mandated by the State of Georgia within its last court of resort.

A. Fulton County Interferred With A Fitness For Duty Evaluation

While Jones was on official leave from Fulton County Government, Steven R. Cover, Director of The Department of Environment and Community Development by passed the Fulton County Government's Medical Doctor Dr. Dwight Owens stated treatment. Mr. Cover harassed Jones and the Jones Family with daily mailing to Jones legal address to harass. Mr. Cover actions resulted in a suspension without pay while on a fitness for duty evaluation for Jones. Mr. Cover did not have cause showing the follows; a letter was received at my Jones mother address dated October 8, 2004 from Steven R. Cover. Jones received this letter on October 23, 2004. This letter stated the warning letter dated May 12, 2004 on appeal as the first offense and stated that Jones was to meet Dr. Owens no later than October 13, 2004. If Jones did not make the deadline "This is punishable under Fulton County Personnel Regulations 1800-2, Article 11B". Based upon the facts above, I believe that a suspension of ten days is justified" etc... Jones met Dr. Owens on September 15, 2004 and followed Dr. Owens noted instruction. Prior to Jones suspension Jones tried to make contact with Dr. Owens so he would inform Mr. Cover Jones had made his appointments. Dr. Owens refused to respond to Jones calls and a letter to Dr. Owens dated October 11, 2004. Consequently, Jones was

suspended by Steven Cover without reasons as open harassment allowed under the Jurisdiction of the United States Court of Appeals Eleventh Circuit. The role of the Court in Georgia smust show criteria from the supervisory level must be defined to prevent open violations to human being in regard to racial discrimination and harassment.

B. Court Used In Conspiracy to Discriminate

A conspiracy to deny minorities their rights under the Civil Service Act of 1883; as amended, and Title VII of the Civil Rights Act of 1964 have been shown within the State of Georgia and the Federal Court of last resort under the supervisory jurisdiction of the United States Supreme Court. The United States Court of Appeals for the Eleventh Circuit File No: 04-13142, denied injunctive relief for Jones on December 14, 2004, and "Accordingly, we affirm the district court's grant of summary judgment to Fulton County and denial of Jones's various motions for injunctive relief ."Affirmed". A timely petition (s) for rehearing was denied by the United States Circuit Judge Susan Black for rehearing En Banc "Are Denied". A motion to stay of mandate was filed timely in The United States Court of Appeals for the Eleventh Circuit on February 14, 2005 by Jones. A letter sent by the Eleventh Circuit dated February 12, 2005 issuing a mandate and returning Jones original exhibits and original records on appeal showing an overly zealous circuit court sent Jones information back to Luther D. Thomas Clerk , United States District Court. On March 1, 2005,

United States Judge Susan Black denied Jones timely filing for a stay of issuance of mandate. These documents shows conspiracy within the federal courts by Judge Julie E. Carnes and Judge Susan Black to deny minorities their United States Constitutional Rights of Due Process given in the 14th amendment. Further, exposing the civil service employees and Jones a human being to an unfair administration of the Civil Service Act of 1883; as amended, by not allowing a civil service commission board for review and investigation of offenses against employees protected by the Civil Service Administration of the United States under Presidential authority. Further, showing conspiracy to prevent minorities their rights within conflicts of decision of both federal courts in Georgia their denial of Jones Title VII of the Civil Rights Act of 1964 and Age Discrimination Act of 1967 as both are amended.

Conclusion, respectfully submitted for granting a writ of cetiorari for cause in violation of The State of Georgia, Fulton County Government and Federal Courts' mandate to uphold the Civil Service Act of 1883; as amended, Title VII of the Civil Rights Act of 1964 and Age Discrimination Act of 1967. The Supreme Court of the United States has supervisory authority.

THE DECISION BELOW

The district court simply adopts the Magistrate Judge's Report And Recommendation and granting defendant's motion for summary

judgment even though the defendant openly violated the Employees Dispute Resolutions Programs for a self governing authority.

The court below managed to decide Jones claims without excepting mounting facts of evidence showing retaliation, harassment and racialism were open within Fulton County Government. Several of the Eleventh Circuit Courts of Appeals' opinion that confornted mootness have refused to consider minorities rights within Title VII of the Civil Rights Act of 1964, Civil Service Act of 1883; as amended, and Age Discrimination Act of 1967; recognizing the need to uphold the rule of law and the unique role the employees plays in the nations civil service within our government.

REASONS FOR GRANTING THE WRIT

I.

A WRIT WARRANTED BY THIS COURT BECAUSE PETITIONER'S RIGHT TO DUE PROCESS AND FAIR JUDICIAL NOTICE WAS ERRONEOUSLY DENIED PETITIONER'S REQUEST UNDER FED. R. CIVIL PROCEDURAL "EVIDENCE" 401, A VIOLATION WITHIN GEORGIA GENERAL ASSEMBLY LAW OCGA 45-20-1 ET. SEQ.; CONFLICT WITH THE CIVIL SERVICE ACT OF 1883 AS AMENDED; THAT THE COURT

CHARGE A VIOLATION OF U. S. C. TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

Petitioner requests, pursuant to Fed. R. Civil "Records" P. 902(1),(2),(3) and (8), that the trial court charge a violation for not taken judicial notice on relevance material to the case; Fed. R. Civil P. (401) "Relevant Evidence" and material facts that produce direct and circumstantial evidence, was not justified within **Powell v. First National Bank and Trust Co.** 58 Ga. App. 648, 199 S.E. 668 (1938); 31 C.J. S. Evidence, § (3)(a); the judge has broad discretion in taking judicial notice. The reasoning below did not justify the refusal of evidence that this court failed to accept the facts provided by the Petitioner. Judicial notice will be taken of records and proceeding in the same case; **Wooodruff v. Balkcom**, 205 Ga. 445, 53 S. E. 2d. 680 (1949); The magistrate judge review failed to rise to civil rights § 7 Government and Administrative Matters, "General matters of government and certain related be judicially notice, **Madden v. Fulton County,** 102 Ga. - App. 19, 115 S.E. 2nd 406 (1960), see 29 AM. Jur. 2d. Evidence, § 37-48; Circumstantial Evidence of this case that was not considered by the United States Magistrate Judge. It shows a conspiracy within Georgia's legal system to deny inherent civil rights and civil service rights for its citizens by not granting minorities due process.

A. THE CONFLICTS WITHIN THE DISTRICT AND APPELLATE COURTS THREATENS NATIONAL UNIFORMITY IN OUR DISCRIMINATION LAWS

The Magistrate Judge's Report and Recommendations 28 U.S.C. § 636 (b)(1), Fed. R. Civ. P. 72(b) and that Court's Local Rules 72.1(D)(2) showed biases to Fulton County Government Fed. L. R. C. P. 58.3 Retittus (B). Judgment Modified, Vacated or Reverse, showing error by the District Court within Fed. Rules of Civil Procedures, Rule 56 (e); **Celotex Corp. v. Catret,** 477 U.S. 317, 324; 106 S. Ct. 2548-53; 91 L. Ed. 2d 265, 272-3; The District Court failed to continue this case showing violations to due process within ID at 519. see also, **Donaldson v. Clark,** 78 6f. 2d 1570, 1575 (11th Circuit 1986); **Griffith v. Wainwright,** 77 2f., 2d 822, 825 (11th Circuit 1985). The District Judge failed to receive the Petitioner's objections within approval and adopted as the opinion of the court.

Timely objections, they were filed on the Federal Magistrate's violations of the Petitioner as Fulton County Government failed to adhere to the 20 days limits, pursuant to that court local rules, as well as; the federal rules of civil procedures, pursuant to that court's order dated April 14, 1987, opposing counsel was notified of the 20 days deadline from the said motion served, of filing all materials, federal rules of civil procedure, rule 56(c); **Moore v. State of Florida,** 703 F. 2d 516, 519 (11th Cir. 1983).

Similarly, Petitioner showed violations of the District Court in **Walker v. Nations Bank of Fla. N.A.**, 53 F. 3d. 1548, 1556 (11th Cir. 1995) proof to justify Plaintiff legal requirements, in United

States **Merrit v. Dillard Paper Co.,** 120 F. 3d. 1181, 1189 (11th Cir. 1997), the Eleventh Circuit has found direct evidence where "actions or statements of an employer reflect a discriminatory or retaliation attitudes" ; show the acceptance of retaliation is in conflict with Title VII of the Civil Rights Act of 1964, 42 U.S.C § 2000e et. al., and The Age Discrimination in Employment Act (ADEA) 29 U.S.C. § 621 et. al.

B. THE FEDERAL COURTS ACCEPTANCE OF THE EXECUTIVE BRAND ROLE PREVENTS PROTOCOL WITHIN DUE PROCESS OF OUR LAWS

Significantly, the court observed that suits alleging procedural harm are only rendered moot with the subject procedure is followed. Specifically, the filing of the petitioner asserted was proper. The Eleventh Circuit with evidence that is presented by the petitioner that could show that court jurisprudence "Cat's Paw Theory", **Zaklama v. Mt. Sinai Medical Center,** 824 F. 2d. 291, 294 (11th Cir. 1988), the evidence is direct **Stimpson v. City of Tuscaloosa,** 186 F. 3d. 1328, 1332 (11th Cir. 1999); the decision maker is not the final word on all matters in management the acceptance of that Court to accept open disregard by Fulton County Government to policies and procedures continued within the review of the District Court and the Eleventh Circuit showing a conspiracy to deny due process in the State of Georgia.

The Eleventh Circuit of Appeals rejected Petitioner's argument and affirmed his conviction.

II.

THE WRIT SHOULD BE GRANTED TO THE PETITIONER BECAUSE THERE IS A CONFLICT WITH THE DECISION OF THIS COURT AND OTHER UNITED STATES COURT OF APPEALS AND THE ISSUES ARE IMPORTANT

The Eleventh Circuit decisions in this matter directly conflicts with Title VII of the Civil Rights Act of 1964 decisions of the United States Courts' Fifth, Seventh, and Eleventh Circuits, each of which has stated federal action in violation of Title VII of the Civil Rights Act of 1964; see **Baker v. Buckeye Cellulose Corp.,** 856 F. 2d. 167, 169 (11th Cir. 1988)(Emphasis in Original); A preliminary injunction an extra ordinary and drastic remedy not to be granted unless the Movant (Petitioner) clearly establish the "Burden of Persuasion" as to the answered , the four requisites. Civil Rights § 38 employee's allegedly retaliatory actions for employees filing suit could reasonably have been expected to grow out of original charge before Equal Employment Opportunity Commission of retaliation and, therefore, was with the district's Court's jurisdiction, for Civil Rights Act of 1964, § (2000 to 2000e - 17; 42 U.S.C. A. § 1981).

A. FULTON COUNTY POLICIES AND PROCEDURES VIOLATIONS

It shows open violations to human rights as demonstrated in open policies and procedures violations of Fulton County Government in the March 11, 2005, Brian G. Nichols shooting and killing of 3 Fulton County Employees; Judge Rowland Barnes, Deputy Hoyt Teasley and Julie Annn Brandau and Federal Agent David Wilhelm. The attacked of Fulton County Deputy Cynthia Hall showing security violations by Fulton County Board of Commissioners that did not allowed budget allocations. These same violations are shown in the attack of the Petitioner by a system that fails to follow written laws within, the failure of the Federal Courts to properly review EEOC charges and complaints; **Cheek v. Western, & Southern Life Ins. Co.,** 31 F. 3d. 497, 501 (7th Cir. 1994) (Emphasis on Original) quoted in **White v. Wells Fargo Guard Serv.,** 908 F. Supp. 1570, 1581 (M.D. Ala., 1995); **United States v. Jefferson County** 720 F. 2d. 1511, 1519 (11th Cir. 1983); A District Court may grant injunctive relief if the Movant show the 4 requisites. The Plantifff has provided a prima - facie case through affidavits, taped meeting, (Ga. Open Record Act), Court Orders (Alpharetta Court) and documentation through summary judgment that shows rule 56 (c) of the non- moving partying; showing open violations to Fulton County Government violations of the enforcement of its Personnel Rules and Regulations. This case now before this Court will prevent other atrocities

against human being within the State of Georgia open disregard of the Civil Service Act of 1883.

B. AN INJUNCTION FOR THE STATE OF GEORGIA TO ADMINISTRATE PROTOCOL WITHIN THE CIVIL SERVICE ACT

Fulton County Government through it ineffective discrimination policies and procedures to prevent racialism show retaliation & harassment have shown the Court; **Hutchens v. Vaughn,** 10 Fed. Rules Serv., 2d. 1382, 41 Fed. 87 (WD. Va. 1966) Summary Judgment less likely to be appropriate in negligence cases...but this will not prelude summary judgment in every negligence case; **Allen v. Southern Greyhound Lines, Inc.,** 11 Federal Rules Serv., 2d. 1257, 27 or Supp. 872 (Ed. La. 1967(, summary judgment in favor of plaintiff; negligence and upon the undisputed facts; **Watson v. Blues Inc.,** 324 F. 3d., 1252 (11th Cir. 2003); A company that has a sexual harassment policy and disseminates it to its employees may still be liable for harassment if the policy was ineffective. The petitioner has presented the Court's violation under Fed. R. Civ. P. 404 (a) (4) (Proof of Sexual Misconduct) in testimony presented by Mustafa Bey to the Alpharetta Municipal Court. It demonstrate open disregard of local government and federal courts to adhere to the laws of the United States of America.

Gupta v. Florida Bd. of Regents, 212 F. 3d. 571, 583 (11th Cir. 2000); In determining whether the conduct was objectively hostile and

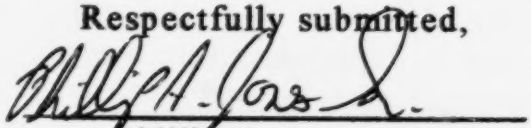
The petitioner has answered in the Court's record submittal dated February 17, 2004; Petitioner Answer, "Brief In Support of Its Motion For Summary Judgment" page 21, section 1, "Plaintiff's Answer To Defendant..."

Further, **Henson v. City of Dundee**, 682 F. 2d. 897, 904 (11th Cir. 1982); In providing a claim for a hostile work environment, **Brenda v. Wolf Camera, Inc.** 148F. Supp. 2d. 1371, 1376 (S.D. Ga. 2001)...As for the severity of prong of the analysis, as the United States District Court for the Southern District of Georgia, **McDonald's Corp. v. Robertson**, 147 F. 3d. 1301, 1306 (11th Cir. 1998) (Quoting, **All Care Nursing Serv., Inc. v. Bethesda Memorial Hosp.,** 887 F. 2d. 1535, 1537 (11th Cir. 1989)). Although, "Courts are to presume irreparable harm in Title VII cases", Baker, 856 F. 2d. at 169, the petitioner has demonstrated to the Court his merits.

CONCLUSION

For the foregoing reasons, it is respectfully urged that the request for Writ of Certiorari be issued.

Respectfully submitted,



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